

REMARKS:

Claims 1-3, 7-8, 13-14 and 18-20

Claims 1-3, 7-8, 13-14 and 18-20 have been rejected under 35 USC 102(e) as being anticipated by Macken et al. (US2005/0088784).

Submitted herewith is a declaration under 37 CFR 1.131 establishing invention of the subject matter of rejected claims 1-3, 7, and 19-20 prior to the effective date of Macken (Oct. 22, 2003). Per MPEP 706.02(b), Applicant may overcome a 35 U.S.C. 102(e) rejection by showing completion of the invention by applicant prior to the effective date of the reference. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 7, and 19-20 based on Macken.

Claim 8 has been amended to clarify the positions of the first and second material. Particularly, claim 8 requires a first material for anchoring the portion of the magnetomechanically active structure positioned away from the ABS, and a second material coupled to the magnetomechanically active structure at a position towards the ABS, the second material having a lower Young's modulus than the first material. The rejection cites layer 370 of Macken's FIG. 3-2 as meeting the claimed first material. However, in reality, Macken's materials 370, 372 of differing Young's modulus are positioned adjacent each other, not one closer to the ABS than the other as claimed. As shown in Macken FIG. 3-2, the materials 370, 372 are the same distance from the ABS 359. Accordingly, Macken fails to teach or suggest each and every limitation of claim 8. Reconsideration and allowance of claim 8 is respectfully requested.

Claim 12 has been amended to depend from claim 3, which has been indicated as allowable, and therefore is believed to be allowable. Claim 13 depends from claim 12, and so is also believed to be allowable.

Claim 18 has been amended to include limitations similar to those of allowable claim 20. Accordingly, claim 18 is believed to be allowable.

Regarding the limitations of claim 20, while not specifically shown in Exhibit A of the accompanying Declaration, are inherently present. Paragraph 1 of the Main Idea section of Exhibit A indicates that the invention seeks to overcome disadvantages in then-

current hard disk drive (HDD) systems. Those skilled in the art would appreciate that HDD systems such as that claimed in claim 20 are well known to include magnetic media, a head, a slider for supporting the head, and a control unit for controlling operation of the head. Accordingly, the features of claim 20 are inherently disclosed in Exhibit A of the accompanying Declaration. Reconsideration and allowance of claim 20 is respectfully requested.

#### Claim 4

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over Macken. Submitted herewith is a declaration under 37 CFR 1.131 establishing invention of the subject matter of rejected claims 1-3, 7-8, 13-14 and 18-20 prior to the effective date of Macken (Oct. 22, 2003). Applicants respectfully request allowance of claim 4.

#### Allowable subject matter

Applicants acknowledge and appreciate indication of allowable subject matter in claims 5-6, 9-12, 15-17 and 21.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. HSJ920030225US1).

Respectfully submitted,

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Date: June 8, 2006

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